

## **REMARKS/ARGUMENTS**

The Office Action mailed March 10, 2008 has been received and carefully noted. Claims 61-68 and 79-83 were examined and rejected. Claims 1-60 and 69-78 have been previously cancelled.

Applicants amend claims 61, 63 and 64 and submit that no new matter is added herein. Amendments to claims 61 and 63 are supported at least at FIG. 82 and corresponding text of the application; and amendment to claim 64 is supported at least by FIG. 85 and corresponding text of the application.

Applicants respectfully request reconsideration of claims 61-68 and claims 79-83 in view of the following remarks.

### **I. Claim Rejections – 35 U.S.C. § 102**

Claims 61-66, 68 and 79-83 are rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,695,810 to Peacock (Peacock). It is axiomatic that to be anticipated, every limitation of the claim must be disclosed in a single reference.

Applicants respectfully disagree with the rejection above for at least the reason that the cited reference does not disclose a method including inflating the balloon from a first diameter to a different second diameter that is at least equivalent to an inner diameter of a blood vessel to occlude the blood vessel at the region of interest during the occlusion of the blood vessel; and perfusing a blood and/or a treatment agent flow between a location in the blood vessel proximal to the balloon and the region of interest distal to the balloon, as required by claim 61.

Peacock teaches an endolumenal aortic isolation catheter 1900 to allow the heart to pump blood into the systemic arterial circulation through ports 1905 and 1906 which may be obstructed by wall 1955 of internal valve 1950 (see FIGS. 19A and 19B and col. 37, line 58 through col. 38, line 22). In addition, Peacock teaches pressurizing passageway 1960 to deflect wall 1955 into proximal internal flow lumen 1953 to substantially occlude flow therethrough; and conversely, withdrawing fluid from passageway 1960 and pulling a vacuum to position wall 1955 in an open position such

that internal flow lumen 1953 is open to flow (see FIG. 19D and col. 38, lines 57-67). However, Peacock does not explain infusing a treatment agent through passageway 1960. Moreover, it is possible that such an infusion would pressurize passageway 1960 deflecting wall 1955 to substantially occlude flow through internal lumen 1953.

Therefore, Peacock does not teach or enable infusing a treatment agent to the region of interest distal to the balloon as required by claim 61.

Moreover, since wall 1955 must be in a second position to obstruct the flow of blood through ports 1905 and 1906 in order to occlude the blood vessel (see FIG. 19B), Peacock does not teach infusing a treatment agent into the region of interest distal to the balloon during occlusion of the blood vessel, as required by amended claim 61.

Next, in addition to the dependence upon claim 61, Applicants respectfully disagree with the rejection of claim 63 for at least the reason that Peacock does not disclose a method wherein inflating includes inflating the balloon for a first period of time to occlude the blood vessel for the first period of time and perfusing includes deflating the balloon for a second period of time; and at least one more repetition of inflating, infusing, and deflating as required by claim 63. As noted above for claim 61, Peacock teaches adjusting internal valve 1950 along passageway 1951 to control flow through ports 1905 and 1906. Thus, the Patent Office has not identified and Applicants are unable to identify any disclosure in Peacock of the above noted limitations of claim 63. Hence, Applicants respectfully request the Patent Office withdraw the rejection of claim 63 for this additional reason.

Moreover, in addition to the dependence upon allowable base claim 61, Applicants respectfully disagree with the rejection of claim 64 for at least the reason that Peacock does not disclose or enable retracting a guidewire from a location distal to at least one hole to a location proximal to the at least one hole to cause profusion through the at least one hole as required by amended claim 64. Peacock discloses that a venous and an arterial catheter may be adapted to track over a steerable, radiopaque guidewire which is adapted to steer and select desired branched vessels under x-ray visualization, and that the guidewire may be disposed within a separate guidewire tracking member (see col. 31, lines 33-58 and FIG. 11). However, the Patent Office has not identified and

Applicants are unable to find any disclosure or enablement of the guidewire of Peacock being retracted to cause profusion through at least one hole in the exterior surface of a canula as required by amended claim 64. Hence, for at least this additional reason, Applicants respectfully request the Patent Office withdraw the rejection of claim 64.

Furthermore, in addition to its dependence upon allowable base claim 61, Applicants respectfully disagree with the rejection of claim 66 for at least the reason that Peacock does not disclose or enable retracting a distal end of a guidewire to control an amount of a blood and/or treatment agent profusion, as required by claim 66. An argument analogous to the one above for claim 64 applies here as well. Hence, for at least this additional reason, Applicants respectfully request that the Patent Office withdraw the rejection of claim 66.

Next, in addition to the dependence upon claim 61, Applicants respectfully disagree with the rejection of claim 82 for at least the reason that Peacock does not disclose or enable retracting a distal end of a guidewire to a location proximal to at least one hole to allow profusion, as required by claim 83. An argument analogous to the one above for claim 64 applies here as well. Hence, for at least this additional reason, Applicants respectfully request withdrawal of the rejection above of claim 83.

## **II. Claim Rejections – 35 U.S.C. § 103**

Claims 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peacock in view of U.S. Patent No. 6,805,860 to Alt (Alt). For a claim to be obvious, each limitation of the claim must be taught or suggested by at least one properly combined reference. Furthermore, the combination of elements must be “more than a predictable use of prior art elements according to their established functions.” (see KSR International Company v. Teleflex Inc., No. 04-1350 (Supreme Court, April 30, 2007)).

Applicants respectfully disagree with the rejection above for at least the reason that Alt does not cure the deficiencies of Peacock noted above for claim 61, from which the above noted claim depends.

Alt teaches using autologis adult stem cells which are derived from the same patient to replace necrotic tissue of a failing organ of that patient, such as a heart after

an MI (see col. 5, line 52 through col. 6, line 32). However, the Patent Office has not identified and Applicants are unable to find any teaching in Alt of the above-noted limitations of claim 61.

### **III. Dependent Claims**

Any dependent claims not mentioned above are submitted as being patentable for at least the reasons provided in support of their base claim, as well as additional limitations of each dependent claim.

Hence, Applicants respectfully request the Patent Office withdraw all the rejections above.

## CONCLUSION

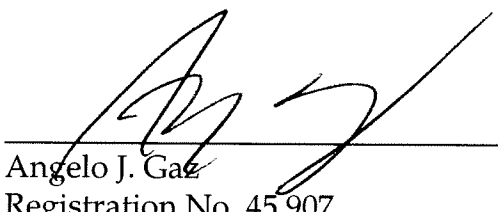
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

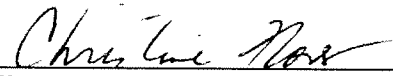
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Angelo J. Gaz  
Registration No. 45,907

1279 Oakmead Parkway  
Sunnyvale, California 94085-4040  
Telephone (310) 207-3800  
Facsimile (408) 720-8383

## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted to the United States Patent and Trademark Office electronically via EFS Web on the date shown below.

  
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Christine Flores

June 27, 2008  
Date